

**Amesbury Conservation Commission
March 4, 2013
Amesbury City Hall**

In attendance: Michael Bik, Jack Tremblay, Madeleine Howard, Steve Langlois Chairman, Conservation Commissioners, Conservation Agent John Lopez, and Secretary, Susan Yeames

The Chairman called the meeting to order at 6:35.

MINUTES

12/17/2012 Minutes – Commissioner Howard moves to accept the minutes of 12/17/2012. Commissioner Bik seconds the motion. All in favor.

1/7/2013 Minutes – Commissioner Bik moves to accept the minutes of 1/7/2013. Commissioner Howard seconds the motion. All in favor.

2/4/2013 Minutes – Commissioner Howard has amendments that she will forward to Joan Baptiste. Commissioner Howard moves to accept the minutes of 2/4/2013 as amended. Commissioner Bik seconds the motion. All in favor.

ADMINISTRATIVE

Conceptual Phase Review Request – Mill Site Cedar Street

Michael Seekamp - This site is in an historic mill complex circa 1890 which previously was a furniture factory on the corner of Cedar Street and Poplar. A portion of the property is jurisdictional to the waterfront area. The applicant is pursuing a pre NOI conceptual phase review to identify any outstanding issues. The parking lot in question is sand and gravel with no storm water features. The run off presently goes to Poplar Street and eventually to the Back River. The plan is to pave the existing parking lot with pervious paving material. There will be no disturbance to existing vegetation on site and no major changes to the building. The wetlands are located off the property.

Matt Asia – Chemborg Properties, He is a mill renovation specialist and wants to preserve the character and ground of the building.

Wayne Morrill – The plan is to remove the loading dock, use porous asphalt material to repave the parking lot. They will create a small swale to catch excess runoff of from the asphalt. They will also create a green area and maybe an overlook to the river.

They are requesting BSC as the reviewing consultant.

Commissioner Howard makes a motion to have the Conservation Commission draw up a contract with BSC for review of the conceptual phase prior to an NOI and have the Conservation

Agent bring it to the next meeting. Commissioner Bik seconds the motion. Three are in favor. Commissioner Tremblay is against.

Meeting Deadline Discussion

Commissioner Howard would like to change the amount of time needed to provide information to the Commission before their meetings. She would like to see the information provided in a more timely manner and recommends that applicants are given one more week. Change the time frame from 3 weeks to 2.

CONTINUED BUSINESS

Enforcement Order/Cease and Desist DEP #002-1005 – 100-108 Whitehall Road

This project has an Enforcement Order and a Cease and Desist for issues from the construction of a parking lot. There are still a number of outstanding issues.

In an effort to expedite the project, the Conservation Agent suggests that work related to Beals and Thomas' suggestions be carried out. An abutter on Whitehall Road complained that there was ponding on his property and Beals and Thomas was called in. It was determined that the applicant was not at fault but the additional contract was drawn to bring the Cease and Desist to a closure. This contract will also continue to monitor the outstanding issues. The Cease and Desist would be modified to allow for recommendations pursuant to the consultant. The property owner is agreeable to this new contract as he wants the Cease and Desist lifted as soon as possible

Commissioner Howard moves to keep the Cease and Desist in place and to modify the Enforcement Order to include the changes outlined by Beals and Thomas. Commissioner Bik seconds the motion. All in favor.

RCOC #002-0988 Timber Lane/Spring Hill

The applicant asks for a continuance of the hearing to the 5/6/2013.

Commissioner Bik makes a motion to continue the hearing for #002-0988 to May 6, 2013.

Commissioner Howard seconds the motion. All in favor.

NOI #002-1015 Village at Bailey's Pond – BSC Review

Commissioner Bik makes a motion to continue the hearing to April 1, 2013. Commissioner Howard seconds the motion. All in favor.

NOI #002-1061 – 16 Paige Farm Road

The applicant wanted to do landscaping in a no disturb area but has never responded to solicitations by the Agent. The Conservation Agent recommends that the Commission issue an Order of Conditions denying the work based on non-compliance.

Commissioner Howard moves to issue an Order of Conditions for 16 Paige Farm Road denying the work based on regulation 21.3. Commissioner Bik seconds the motion. Three members vote aye. Commissioner Tremblay abstains.

Commissioner Howard moves to close the hearing. Commissioner Bik seconds the motion. Three members vote aye. Commissioner Tremblay abstains.

NEW BUSINESS

RDA – 20 Lake Attitash Road – (Manseau)

The property owner is before the Commission to ask for a waiver of the \$110 filing fee. The proposed screening in of an existing deck is within the 100' buffer zone but is not jurisdictional. Previously several Commissioners sat on this project and worked with the EPA to create a green wall. Unfortunately, the original owner passed away from EEE.

Commissioner Howard makes a motion to waive the filing fee. Commissioner Bik seconds the motion. All in favor.

Commissioner Howard makes a motion to issue a negative determination for the project and asks that the property owner erect a sign depicting ACC 002-20 during all work. Commissioner Bik seconds the motion. All in favor.

RCOC #002-1034 137 Haverhill Road (Trousdel)

The Conservation Agent reports that all work was done as approved.

Commissioner Bik moves to issue a Certificate of Compliance for 137 Haverhill Road #002-1034. Commissioner Howard seconds the motion. All in favor.

Commissioner Howard moves to close the hearing. Commissioner Bik seconds the motion. All in favor.

NOI #002-1072 – 95 Haverhill Road (Sheheen)

The applicant proposes to create an addition to an existing structure to house a freezer. The addition will be 14,200 square feet with an associated parking area and storm water management. A conceptual phase review has been conducted by BSC and the plans incorporate their comments. Mr. Fred Ford, Cammett Engineering, describes the land, the building and the project proposal. The project will encroach upon the 25' no disturb zone and the 50' no build zone. They propose stormwater mitigation for run off from the roof. There will be 16 additional parking spaces with run off to an infiltration basin. There will be a gravel driveway for emergency vehicles. Currently all the run off heads north and will continue to do so after the project is complete.

The wetland area consists of a mowed lawn that will be impacted during the construction. They will protect with soil and swale with mats. They will repair and restore 140' of wetlands with a mitigation planting plan re-vegetating with native plants. Another area in the buffer zone will be restored with plant seeds and shrubs. The side slope will be planted with trees (White Pine on 8"

centers) and below that area will be planted with Red Maples and Birches. There is a wetland replication area behind the building with Autumn Olive that will be replaced with wetland plant species and a considerable area of re-vegetation.

Mr. Anthony Iannuccillo, an abutter on Haverhill Road, comments on his wanting to file his comments. He feels that he should have been notified of the hearing as an abutter. His complaint is that he feels that the applicant is responsible for water coming across the street onto his property. He says that the run off travels south not north.

Mr. Ford, Cammett Engineering, states that there are catch basins on the front of the property that catch any runoff and if they are not working it is the responsibility of the DOT to address these issues.

The property owner will defer to a third party peer review for answers. Mr. Iannuccillo is asked to write down all of his concerns and submit his memo to BSC for their response.

Kathy Harris – abutter at 12 Kimball Road – states that she experiences exhaust odors coming from the trucks that are left running over the weekends. She is also concerned about the wildlife in the area.

Curt Young – explains that the property owner will be creating a better wildlife area than is there now with the existing mowed lawn. It will be an enhanced habitat condition with re-vegetation on the left side of the building creating a larger buffer from the homes on Kimball Road. Commissioner Howard states that she is relying on scientists to guide the best course of action.

Mr. Ford submitted to the Conservation Commission Sheheen's Corporate Resolution dated 10/1/2012

Commissioner Howard makes a motion to approve BSC as the third party peer review and looks for a memo from Mr. Iannuccillo to forward to BSC for response to his concerns. Commissioner Bik seconds the motion. All in favor.

NOI #002-1071 – 195 Kimball Road (Teheen)

The applicant has a change in the plan of record. It has been amended as of 2/21/2013.

Mr. Jim McDowell represents the owner and has been working on the plan for the last three months. The plan is to remodel the house, add utilities and a garage. The house was built between 1930 and 1940. They will extend the water line 90' and replace the existing well. They want to build a 22' x 22' garage and extend the driveway to it. Water runoff from the garage will drain to a grass swale.

They will use a silt sock across the backyard and will clean up the backyard and re-establish the lawn. They will install a post and rail fence at the back corner of the house and will replace the existing steps. They will use directional drilling for both the water and sewer installation. The dock has been removed from the proposal as reflected in the revised plans. The entire site is in

the buffer zone of Meadow Brook and Tuxbury ponds and has a very steep slope. The split rail fence will take the place of granite bounds as the property is too rough and steep.

Commissioner Tremblay would like to see the 25' and 50' buffer zones on the plans and would like to see the garage in another area than where it is on the plan. A site visit is suggested. He would also like to see a landscape plan showing what plants are there and what is being proposed. The Amesbury DPW Director has submitted an email with four items he wants included in the Order of Conditions when the motion is presented.

Commissioner Bik makes a motion to continue #002-1071 to April 1 and asks the applicant to provide drawings with the 25' and 50' buffer zones, existing and proposed plantings along with a site visit on Saturday 3/9/2013 at 10:00 a.m. Commissioner Tremblay seconds the motion. All in favor.

Enforcement Order/Cease and desist #002-1029 – 206 Lion's Mouth Road (Couillard)

As a follow-up to the discussion with city council at the previous monthly meeting, the Conservation Commission carried in a motion that city council would work with BSC and the applicant to provide a revised consultant contract. The applicant's attorney or the Conservation Agent has legal authority to approve the contract or bring it before the Commission for approval on 4/1/2013. BSC was hired in January but the contract was to review existing conditions and to draft a mitigation plan which was accomplished. The additional contract is an assessment of offsite conditions to 13 Elizabeth Street as well as additional monitoring. The Commission needs to make a motion to continue to work with the applicant's attorney for a final contract proposal with BSC.

Commissioner Howard makes a motion to adjourn at 8:35 p.m.
Commissioner Bik seconds the motion.
All in favor